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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,716	02/27/2004	Murray L. Neal	002209.P010	6779
8791 7590 12/11/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
A. PHU DIEU TRAN				
ART UNIT		PAPER NUMBER		
3633				
MAIL DATE		DELIVERY MODE		
12/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,716

Applicant(s)

NEAL, MURRAY L.

Examiner

PHI D. A

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-20 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 and 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-11 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Objections

1. Claim 30 is objected to because of the following informalities: line 1 “ first segment” is confusing. Should it be “second segment”? Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al (5746032).

Koike et al (figure 2) shows a window framing system comprising a plurality of pieces that are structural components of a primary frame, the pieces including a sub-frame (22,8) and a base (21), the sub-frame having a corner to receive the glazing unit, the base to be assembled with the sub-frame so as to secure the unit in the corner, the sub-frame having an elongated portion with an L-shaped cross section that defines the corner, the L-shaped cross section having a first segment in which there are a first plurality of holes (figure 2, the holes in the middle at the bottom) through which the sub-frame is to be secured to one of a head, jamb, and sill at the site, a second segment with a cavity having an enclosed cross section formed therein (figure 2, the space underneath part 20 is enclosed by the sub-frame) that occupies a substantial portion of the second segment and runs lengthwise through a substantial part of the elongated portion, the sub-frame having a plurality of screw holes (where screws 24) formed lengthwise in the first

segment, each of the screw holes communicates with an opening that allows material which has been cut, due to a screw being driven in the hole, to exit so as not to fill up the hole (the spanning space where 24a is in figure 4), the base having an elongated portion with an L-shaped cross section whose first segment (23, 70) lies against the glazing in the corner and whose second segment (21a, figure 4) is to be segment to the sub-frame, the first and second segments lead into a fillet having a chamber at its corner (figure 4, the chamfer between the part 21a and the first part 23 at the area a little bit atop to the right of part 24).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7-9, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litchfield et al (4525966) in view of Owen (3016993)..

Litchfield et al (figure 2) shows a window framing system comprising a plurality of pieces that are structural components of a primary frame, the pieces including a sub-frame (7, 6, 5, 17) and a base (12, 12B), the sub-frame having a corner to receive the glazing unit, the base to be assembled with the sub-frame so as to secure the unit in the corner, the sub-frame having an elongated portion with an L-shaped cross section that defines the corner, a second segment (where 7 is) with a cavity having an enclosed cross section formed therein that occupies a substantial portion of the second segment and runs lengthwise through a substantial part of the elongated portion, the base to be assembled with the sub-frame so as to secure the glazing unit in

the corner, the sub-frame having a plurality of screw holes (where holes 22, 21, 19 are and the holes are able to function as claimed) formed lengthwise in the first segment, each of the screw holes communicates with an opening that allows material which has been cut, due to a screw being driven in the hole, to exit so as not to fill up the hole, the base having an elongated portion (128B, the vertical part underneath and the horizontal part connected to the vertical part thereof) with an L-shaped cross section whose first segment (12B and the vertical part) lies against the glazing in the corner and whose second segment (the connected horizontal part, figure 3) is to be secure to the sub-frame, the first and second segments lead into a fillet having a chamfer at its corner (figure 3, the chamfer between the vertical part and the connected horizontal part) at its corner, each of the sub-frame and the base is essentially made of a continuous piece of material, a second segment perpendicular to the first segment, the first segment and second segment integrally formed with one another.

Litchfield et al does not show the L-shaped cross section having a first segment in which there are a first plurality of holes through which the sub-frame is to be secured to one of a head, jamb, and sill at the site.

Owen discloses holes through which screws (32, left and right, figure 1) secure the sub-frame to one of a head, jamb, and sill at the site.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Litchfield et al's structures to show the L-shaped cross section having a first segment in which there are a first plurality of holes through which the sub-frame is to be secured to one of a head, jamb, and sill at the site because it would enable the secure fastening of the sub-frame in place as taught by Owen.

Per claim 9, Litchfield et al as modified further shows the first segment of the sub-frame has a second plurality of holes (the other set of holes for screws 32) formed laterally in the first segment and through which the sub-frame is to be secured to one of the head, jamb, and sill at the job site by means of a plurality of anchor fasteners (32).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Litchfield et al (4525966) in view of Owen (3016993) as applied to claim 9 above and further in view of Montrouil (4115964).

Litchfield et al as modified shows all the claimed limitations except for some of the second plurality of holes is lined up directly behind the glazing unit that is installed in the corner, and some others of the plurality of holes is lined up directly behind corresponding holes in the base through which anchor fasteners are to be passed for securing the sub-frame to one of the head, jamb and sill at the job site.

Montrouil discloses fasteners (20) fastening a base to the sub-frame and to a jamb through the sub-frame, fasteners (the parts which go through part 95) going through holes lined up directly behind the glazing unit that is installed in the corner to secure the sub-frame to the jamb.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Litchfield et al's modified structures to show some of the second plurality of holes is lined up directly behind the glazing unit that is installed in the corner, and some others of the plurality of holes is lined up directly behind corresponding holes in the base through which anchor fasteners are to be passed for securing the sub-frame to one of the head, jamb and sill at

the job site since it enables secure fastening of the base and the sub-frame to a jamb as taught by Montrouil.

5. Claims 11, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litchfield et al (4525966) in view of Owen (3016993) as applied to claim 1 or 29 above and further in view of Montrouil (4115964).

Litchfield et al as modified shows all the claimed limitations except for the sub-frame and the base each made of extruded aluminum.

Montrouil discloses aluminum being a well known and widely used material for window frame.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Litchfield et al's modified structures to show the base and sub-frame being made of extruded aluminum since aluminum provides for a window structure which is light weight, rust resistance, and strong; and aluminum is a well known and widely used material for window structure as taught by Montrouil.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 7-11, 29-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window framing systems.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/
Primary Examiner, Art Unit 3633

Phi Dicu Tran A

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